#### **CHAPTER 12 - BUILDING CODE**

#### 12.01 UNIFORM BUILDING CODE

## (1) AUTHORITY

Pursuant to the provisions of chs. 59, 60, 61, 62, 66 and 101, Stats., the town of Cottage Grove hereby adopts a building code for the regulation of all types of buildings; private or public, rural or urban, including buildings owned by the state or any political subdivision thereof, to be erected in the town.

## (2) SCOPE

The town building code applies to all dwellings, commercial buildings, agricultural buildings, swimming pools, garages and other outbuildings. Excepted are children's play structures; dog kennels; agricultural outbuildings and storage sheds of less than 120 square feet in area; and fences. Fences are regulated under ss. TCG 11.03 and TCG 12.06.

# (3) INCORPORATION BY REFERENCE

(a) The provisions of the following department of industry, labor and human resources (DILHR) administrative codes; are hereby adopted and made a part of this ordinance with the same force and effect as if they were fully reprinted herein; with the exception of any penalty provision. Municipal penalties are limited to those specified in (13).

ILHR 16-17	Electrical Code
ILHR 20-25	Uniform Dwelling Code
ILHR 28	Smoke Detectors
ILHR 50-64	Building and Heating Ventilating & Air Conditioning Code
ILHR 70	Historic Building Code
ILHR 80-86	Uniform Plumbing Code
IND 160-164	Existing Building Code

- (b) For purposes of this ordinance, the scope of the Wisconsin uniform dwelling code (UDC) is revised to include:
  - 1. Additions, alterations and major equipment replacements for one and two family dwellings built prior to 1 Jun 1980.
  - 2. Detached garages serving one and two family dwellings.
  - 3. Residential accessory buildings of over 120 square feet in area.

## (4) PERMIT REQUIRED

(a) Prior to commencing any of the following work, the owner or agent shall obtain a valid building permit from the town clerk:

- 1. New building construction.
- 2. Additions that increase the physical dimensions of a building; including decks, in excess of 6 feet above grade.
- 3. Alterations to the building structure within a period of 12 consecutive months, costing over \$5,000.00, including market labor value; or alterations to a dwelling's heating, electrical or plumbing systems.
- 4. Replacement of major commercial building equipment including furnaces, central air conditioners, boilers and water heaters. *NOTE: Water heater replacements only require a permit if: plumbing, venting, electrical or gas supply systems are altered.*
- 5. Any activity previously permitted; which continues beyond the expiration date of the original building permit.
- (b) The following are exempt from building permit requirements:
  - 1. Restoration or repair of an installation to its previous code compliant condition, as determined by the building inspector.
  - 2. Finishing of exterior or interior surfaces; installation of cabinets and flooring.
  - 3. Re-siding; provided the plumbing, electrical or gas supply systems are not altered.
  - 4. Re-roofing; provided no more than 2 layers of roofing are installed on a roof. Structural calculations and a permit are required for installation of more than 2 layers of roofing materials on any roof.

### (5) SUBMISSION OF PLANS

- (a) Two sets of plans shall be submitted to the town building inspector for:
  - 1. Any work valued over \$5,000.00.
  - 2. Any work which expands the size of a building.
  - 3. Any new building.
- (b) A plot plan shall be submitted along with the plans described in (a), showing:
  - 1. The location of the proposed work.
  - 2. The dimensions of any disturbed land area.
  - 3. Any existing buildings.

4. All property lines.

# (6) ISSUANCE OF PERMIT

- (a) The town building inspector shall issue a building permit only after all state, county and town submission requirements are satisfied; including the payment of all applicable fees and a completion deposit, where required.
- (b) The building permit shall be visibly posted at the job site until an occupancy permit is issued; or all permitted activity is completed to the satisfaction of the building inspector.
- (c) The building permit is valid for 1 year from the date of issue. Permits may be renewed 1 time, without prior approval of the town board, provided application is made to the town clerk and the applicable fees are received by the town treasurer. Subsequent requests for building permit renewal shall be brought to the town board for their consideration and action.

### (7) FEES

- (a) A fee, in the amount specified in s. TCG 07.02(15), shall accompany each application for a building permit. The appropriate fee for each category, shall be specified in a building permit fee schedule provided to the applicant; and shall be paid to the town treasurer in US currency, money order or check payable to: the Town of Cottage Grove. An itemized receipt shall be provided for all currency received.
- (b) Any fee established by the town board, which is in effect at the time the application is made, shall remain in effect for the entire period that the permit is valid.

### (8) STOP WORK ORDER

The town building inspector may issue a stop work order against a project; following documentation of a non-compliance, to prevent further non-complying work.

### (9) COMPLETION DEPOSIT REQUIRED

- (a) A deposit in the amount specified in s. TCG 07.02(15), Table 07-12, is required for any activity previously permitted; which continues beyond the expiration date of the original building permit. This deposit shall be submitted with the building permit renewal application, and is in addition to any applicable building permit fee.
- (b) The deposit specified in (a) shall be forfeited if any of the following occur:
  - 1. There is a non-compliance condition documented by the building inspector that the permittee fails to correct.
  - 2. Occupancy occurs in violation of the provisions of (10).
  - 3. The exterior is not finished in accordance with the provisions of (11); within 1 year of the date the permit was renewed.

(c) The deposit specified in (a) may be refunded after the project is completed, upon written request of the permittee; provided none of the conditions specified in (b) were documented by the town building inspector.

# (10) OCCUPANCY

- (a) If no non-compliance conditions are documented by the town building inspector at the time a final inspection is requested, an occupancy permit shall be issued; provided the address number is posted as specified in s. TCG 12.04.
- (b) If minor non-compliance conditions, other than health or safety items, are documented, the town building inspector may issue a temporary occupancy permit for a specified term; not to exceed 60 days.
- (c) Occupancy shall not be taken until occupancy is authorized by the town building inspector.

# (11) EXTERIOR FINISH REQUIRED

All buildings shall have a weather-resistant, uniform and neighborhood-compatible exterior finish. Tar paper or similar material is not acceptable.

## (12) MAINTENANCE OF BUILDINGS AND GROUNDS

All buildings and grounds shall be maintained so that they do not lose value, or become non-complying with any applicable code or ordinance provision.

### (13) PENALTY FOR VIOLATION

- (a) Violations documented by the town building inspector shall be corrected within 30 days; or as specified in writing by the town building inspector. Violations of this ordinance, which remain unresolved beyond the date specified by the town building inspector, shall be punishable as class C forfeitures, under s. TCG 25.04.
- (b) In addition to the forfeiture specified in (a), subsequent building permits requested by (or on behalf of) the same applicant, shall be withheld, until such time as the town board has been satisfied that there are no continuing violations of any town ordinance, by the applicant.

# (14) EFFECTIVE DATE

- (a) The original ordinance was adopted on 2 Jun 1980.
- (b) This section shall take effect upon passage and publication.

### 12.02 TOWN BUILDING INSPECTOR

(1) CREATION AND APPOINTMENT

- (a) There is hereby created the office of town building inspector. The building inspector shall be appointed by the town board, and shall serve for a term not to exceed 3 years.
- (b) The town building inspector shall be fully insured, and certified for inspection purposes by the state of Wisconsin, as specified under ch. ILHR 26.

## (2) SUBORDINATES

The town building inspector may appoint as necessary, deputy building inspectors; subject to ratification by the town board. Any deputy building inspector so appointed shall be insured, and certified, as necessary under ch. ILHR 26.

## (3) DUTIES

The town building inspector, shall administer and enforce all provisions of this ordinance.

## (4) POWERS

- (a) The town building inspector, and any deputy inspector, may enter upon any public or private premises for inspection purposes, at all reasonable hours; and may require the production of the permit for any building, plumbing, electrical, or HVAC work.
- (b) No person may interfere with, or refuse to permit access to any such premises, to the building inspector, or any deputy inspector, while in the performance of their duties.

### (5) RECORDS TO BE MAINTAINED

All records pertaining to the town building inspection program, including but not limited to those identified in (a) to (d), shall be maintained in the town office. All such records shall be made available for public inspection during normal business hours.

- (a) A record of all applications for a building permit; including the date the application was made to the town clerk and the date the permit was issued by the town building inspector.
- (b) A record of all fees collected; showing the total amount received, the name of the person the fee was received from and their relationship to the applicant if not the same person, the date received, who received the fee, and the date the fee was turned over to the town treasurer.
- (c) A copy of the completed DILHR standard building permit; numbered in the order of issuance.
- (d) A record of all inspections made; indicating that the site passed or failed the inspection, and any subsequent action to be taken to resolve a non-compliance condition.

# (6) LIABILITY FOR DAMAGES

The provisions of this ordinance shall not be construed as an assumption of liability by the town of Cottage Grove, the town building inspector, or any deputy building inspector; for damages because

of injuries sustained or property destroyed by any defect in any installation or on any premises subject to inspection by the town.

### (7) EFFECTIVE DATE

- (a) The duties and authority of the town building inspector were initially described in the town building code, adopted on 17 Apr 1989.
- (b) This section shall take effect upon Passage and Publication.

### 12.03 UNIFORM FIRE CODE

### (1) AUTHORITY

- (a) For purposes of this ordinance, the standing chief of the Cottage Grove Fire Department shall be referred to as the Fire Chief.
- (b) Pursuant to ch. 101, Stats., and the authority granted to the Fire Chief under s. 101.14(2), Wis. Stats., the town of Cottage Grove hereby authorizes the Fire Chief, acting as a deputy of the department of the Wisconsin Department of Commerce, to conduct fire inspections of buildings and property within the town limits, as an agent of the town. The town of Cottage Grove further designates the Fire Chief as the fire code official under Wis. Adm. Code COMM 14, 61-62 and authorizes the Fire Chief to designate, mark and require fire lanes, fire apparatus access, appropriate signage and appurtenances as may be required in the Fire Chief's discretion or as may otherwise be required by law.

### (2) INCORPORATION OF WISCONSIN ADMINISTRATIVE CODE BY REFERENCE

The following provisions of the department of the Wisconsin Administrative Code Department of Commerce (COMM) are hereby adopted, including any amendments as may be made from time to time, and made a part of this ordinance with the same force and effect as if they were fully reprinted herein, with the exception of penalty provisions. provision. Municipal penalties are limited to those specified in (4).

COMM 14 FIRE PREVENTION
COMM 61-65 WISCONSIN COMMERCIAL BUILDING CODE

# (3) ENFORCEMENT

Pursuant to s. 60.555, s. 66.0113 (2) and s. 800.02, Wis. Stats., the town board designates the Fire Chief, and any other fire inspector designated in writing by the Fire Chief, to issue citations to enforce the provisions of this Uniform Fire Code under s. TCG 12.03, including, but not limited to, violations of Wis. Adm. Code COMM 14, fire related provisions of Wis. Adm. Code COMM 61-65 and ch. 101, Wis. Stats., any rules or standards promulgated thereunder, and to issue parking tickets for parking violations in fire or emergency lanes or spaces.

### (4) PENALTY FOR VIOLATION

In addition to, and separate from, any penalties imposed by another agency for failure to comply with any federal, state, or county regulation, violations of this ordinance shall be punishable as class C forfeitures, under s. TCG 25.04.

## (5) EFFECTIVE DATE

This section shall take effect upon passage and publication.

### 12.04 REGULATION OF ADDRESS NUMBERS

# (1) LOCATION OF ADDRESS NUMBERS

- (a) For buildings which are located 60 feet or less from the right-of-way of a public road, the address number shall be affixed to the building on the closest wall parallel to the right-of-way line, within 5 feet from the entrance to the building; or on a post or an equivalent support, located not more than 10 feet from the right-of-way line, and not more than 5 feet from the driveway serving the building.
- (b) For buildings which are located more than 60 feet from the right-of-way of a public road, the address number shall be installed on a post, or an equivalent support, located not more than 10 feet from the right-of-way line, and not more than 5 feet from the driveway serving the building; and on the building itself, as described in (a), when there is one common driveway serving multiple buildings, or when a common driveway serves one building with multiple address numbers, such as duplex residences.
- (c) When there is one building which has multiple address numbers, each unit shall display the appropriate address number as described in (a).
- (d) The address number shall not be concealed from view of the road by trees, shrubs, bushes, or any other obstructions, including seasonal accumulations of snow.
- (e) When an address number is mounted on a post or similar support, it should be located between 3 and 4 feet from the ground; and shall be located facing traffic approaching the driveway. The property owner shall be held liable for compliance with this ordinance regardless of where the address number is located.

### (2) SPECIFICATIONS FOR NUMBERS AND LETTERS

- (a) Numbers and letters shall be individual digits not less than 2 inches in height, with an average brush stroke width of not less than inch.
- (b) Numbers and letters shall be of a color which contrasts with the background, so as to make them clearly visible from the road.
- (c) The use of reflective material for the numbers and letters, as well as for the background is

recommended, but it is not required for compliance with this ordinance.

(d) Number panels available from the Dane county land regulation and zoning office may be used for compliance with the provisions of this ordinance, provided they are located as described in (1).

# (3) DAMAGE TO ADDRESS NUMBER

- (a) It shall be unlawful and a violation of this ordinance to willfully disturb, remove, deface, or damage any address number installed and maintained under the provisions of this ordinance.
- (b) Any person who accidentally disturbs, removes, defaces, or damages any address number, shall promptly notify the owner of the property; or the town clerk, if the property owner can not be determined.

## (4) PROPERTY OWNERS RESPONSIBILITY

The owner of any property on which a building has been assigned an address number, shall be responsible for the installation and maintenance of the appropriate address number assigned to the building.

## (5) PENALTY FOR VIOLATION

- (a) For new construction requiring a building permit; the final inspection shall not be done, and an occupancy permit shall not be issued, until such time as the appropriate address number has been located in accordance with (1).
- (b) Violations of this ordinance shall be punishable a class B forfeitures, under s. TCG 25.04.

# (6) EFFECTIVE DATE

(a) This section shall take effect upon passage and publication

### 12.045 REGULATION OF MAILBOX INSTALLATION

(Regulations are based on Wisconsin Transportation Bulletin No. 14 – Mailbox Safety, available at the Town office or on the Town's web page.)

#### (1) SUPPORT

The support should be a wood post, steel pipe, or steel channel installed no more than 24" in the ground and extending to a vertical height such that the bottom of the mailbox is a minimum of 42" but not to exceed a maximum of 48" above the ground surface. The support should be the following

Square wood post: 4" x 4"

■ Round wood post: 4-1/2" diameter

• Steel pipe: 2" inside diameter

• Steel channel: 2 lbs/ft.

Dimensions exceeding these are unacceptable and in violation of this ordinance.

The support should not be set in concrete, nor is a base plate acceptable. Anti-twist flanges may be installed on the pipe or channel supports but should not be imbedded more than 10" in the ground.

## (2) ATTACHMENT

The box-to-post attachment should be sufficient to prevent the separation of the box from the support post when struck with snow and slush from traffic and snow plows.

## (3) MULTIPLE MAILBOXES

No more than two mailboxes should be mounted on one support post. For multiple installations, support posts must be spaced a minimum longitudinal distance apart which is equal to three-quarters of the height of the posts in the installation. Thus, for example, in an installation where posts are four feet above ground, they should be spaced three feet apart.

### (4) MAILBOX LOCATION

The front of the mailbox should be aligned with the outside edge of the shoulder, and must not extend of the edge of the traveled way over the edge of a paved shoulder. Installations should avoid blind spots or poor sight distance locations.

#### (5) PENALTY FOR VIOLATION

All mailboxes within highway or road the right-of-way shall be installed and maintained in compliance with the provisions of this ordinance. Failure of a mailbox to comply with the provisions within this section 12.045 shall constitute a violation of this ordinance. If the Town Highway Superintendent determines that a mailbox is in violation of this ordinance, the Highway Superintendent may remove the mailbox from the right-of-way with or without notice to the property owner. Violations of this ordinance shall result in a fine equal to the cost of removal of the mailbox, which shall be calculated at 150% of the current hourly wage rate for Town public works employee(s) multiplied by the actual time spent by said employee(s) on the mailbox removal.

### (6) EFFECTIVE DATE

(a) This section shall take effect upon passage and publication.

#### 12.05 REGULATION OF SIGNS

#### (1) PURPOSE AND SCOPE

The purpose of this ordinance is to regulate signs for all properties within the town limits and to ensure the public safety and preservation of scenic beauty of the town. It will also serve to

implement the desired overall character of the community and its constituent zoning districts by providing enforcement of the county zoning requirements at the municipal level.

# (2) COUNTY ZONING REGULATIONS ADOPTED BY REFERENCE

The following references from the Dane county code of ordinances, following the prefix "12", are hereby adopted and made a part of this ordinance with the same force and effect as if they were fully reprinted herein.

12-10.71	Definitions
12-10.72	Permitted Zoning Districts for Signs
12-10.73	General Sign Regulations
12-10.74	Specific Regulations for Various Types of Signs
12-10.75	Calculation of Height Regulations
12-10.76	Design Requirements
12-10.77	Location Regulations
12-10.78	Intersection Regulations
12-10.79	Sign Maintenance Regulations
12-10.80	Marquee Signs
12-10.81	Political Signs
12-10.82	Real Estate Sign Regulations
12-10.83	Set Back Regulations
12-10.84	Wall Sign Regulations
12-10.85	Subdivision Sign Regulations
12-10.86	Temporary Sign Regulations
12-10.87	Regulations Pertaining to Nonconforming Signs and Use
12-10.88	Variances
12-10.89	Variance Standards
12-10.90	Conditions on Variances
12-10.91	Application and Permits

# (3) MUNICIPAL REGULATION

- (a) All on-premise advertising signs which are either internally or externally illuminated, shall be turned off when the premises is not open for business. This section does not apply to internal building lighting, and any after-hours security lighting; which is authorized to remain on, by the police chief.
- (b) In addition to complying with the requirements of 12-10.88 to 12-10.91, any person applying to the county for a permit to install or erect a sign within the town limits, shall first make application to the town board; by providing a copy of the completed county permit application form to the town clerk.
- (c) Applications for a sign permit, shall be reviewed following the procedures established in s. TCG 15.03.

### (4) PENALTY FOR VIOLATION

Violations of this ordinance shall be punishable as class C forfeitures, under s. TCG 25.04.

## (5) EFFECTIVE DATE

- (a) For purposes of compliance with the county sign ordinance, as described in (2); the effective date shall be the date the referenced section was adopted by Dane county.
- (b) For purposes of municipal enforcement, including the imposition of forfeitures, the effective date shall be 18 Oct 1993; the date the original ordinance was adopted.
- (c) This section shall take effect upon Passage and Publication.

#### 12.06 FENCING OF SWIMMING POOLS

## (1) DEFINITIONS

- (a) "Barrier" means a fence, wall, building wall, or a combination thereof; which shall be no less than 4 feet above grade, with a maximum clearance of 4 inches between the bottom of the barrier and the grade line.
- (b) "Decorative pool" means a permanent outdoor structure, located either above or below ground level, which contains more than 8 inches of water at any point, and is used primarily for other than swimming or wading.
- (c) "Gate" means an access into and out of the pool area, which shall be self-closing, and equipped with a child-resistant latch.
- (d) "Spas and hot tubs" mean units that are permanently installed with a cover, capable of sustaining a weight of up to 200 pounds. Such cover shall be in- place, and secured with a locking device at all times when the unit is not in use by a responsible adult.
- (e) "Swimming pool" means an outdoor, private or residential unit, located either above or below ground level, which contains a body of water at least 18 inches deep at any point; which is used, or is intended to be used, solely by the owner, occupant, or their family and invited guests.
- (f) "Wading pool" means an outdoor unit, located either above or below ground level, which contains water with a depth of less than 18 inches at any point, and is used primarily by children.

## (2) FENCING REQUIREMENTS

- (a) All persons who own, erect, or maintain a swimming pool within the town limits, shall erect a fence, or other barrier around the swimming pool within 30 days from the date the unit is installed.
- (b) All barriers which enclose an in-ground swimming pool shall be located no closer than 3 feet to the water line, and shall be constructed in such a manner that they effectively obstruct

access to the pool area.			

- (c) Aboveground swimming pools shall be considered to be in compliance with this ordinance when all of the following apply:
  - 1. The sides of such pool extend at least 4 feet above grade.
  - 2. The pool is located no closer than 3 feet to any structure or embankment.
  - 3. All access points are provided with a barrier and a gate; as defined in (1)(a,c).
- (d) All barriers shall be designed, erected, and maintained so that any opening shall not allow the passage of a 2 inch diameter object.

# (3) EXEMPTIONS

- (a) Decorative pools; spas and hot tubs; and wading pools, are allowed to be owned, erected, and maintained within the town limits without being fenced. However, the lack of any coverage under this ordinance does not relieve the owner of any such unit from personal liability which may arise from the use of such a unit.
- (b) Persons who have existing swimming pools in the town, shall have a period of up to one year from the date of passage of this ordinance, to comply with the fencing requirements, as described in (2).

### (4) PENALTY FOR VIOLATION

In addition to, and separate from, any possible liability referred to in (3)(a,c), violations of this ordinance shall be punishable as class C forfeitures, under s. TCG 25.04.

## (5) EFFECTIVE DATE

This section shall take effect upon passage and publication.

# 12.07 REGULATION OF HOUSE TRAILERS AND TRAILER CAMPS

(Available in the Clerk's Office)